

Ser. No. 10/527,956
Response dated January 7, 2011
Office Action dated September 14, 2010

CUSTOMER NO.: 24498
PU020426

Remarks/Arguments

In the Office Action dated September 14, 2010, it is noted that claims 1-16 and 18-28 are pending in this application and that claims 1-15 stand rejected under 35 U.S.C. §101 and claims 1-16 and 18-28 stand rejected under 35 U.S.C. §102. Claim 17 was previously cancelled without prejudice. No new matter has been added.

The Applicants submit that in view of the amendments presented above and the following discussion, none of the Applicants' claims are anticipated under the provisions of 35 U.S.C. §102 and that all the claims pending in this patent application comply with the provisions of 35 U.S.C. §101 and are in condition for allowance.

35 U.S.C. §101

Claims 1-15 stand rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention.

It is respectfully asserted that the Applicant's claim 1 claims a VoD player, which does fall within one of the statutory categories of invention. However, Claims 1 and 14 have also been amended to reference storage or retrieval of program segments in a memory. More specifically, the Applicant respectfully submits that the Applicant's independent claims fall, at least, satisfy the machine requirement of 35 U.S.C. §101. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

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35 U.S.C. §102

Claims 1-16 and 18-28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Fukami et al. (U.S. Publication No. 2002/0080971; hereinafter referred to as "Fukami").

The Applicant submits that Fukami fails to teach each and every aspect of the Applicant's claims as recited in the claims as required for anticipation. More specifically, the Applicant respectfully asserts that Fukami fails to disclose at least the steps of:

"receiving at a VoD player a plurality of program segments, each corresponding to a fractional part of an entire program, wherein program segments representing earlier portions of the program are transmitted to the VoD player more frequently than program segments representing later portions of the program,"

as claimed in claim 1, and:

"broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in said program, more frequently than said later segments,"

as claimed in claim 14.

The Applicant respectfully directs the Examiner's attention to Figure 4 of the Applicant's present application, which may serve to clarify one aspect of the present claims. The figure illustrates the transmission of segments A, B, C, and D of a video program, where earlier segments are transmitted more frequently than later segments. (See Applicant's Specification, page 4) For instance, in the example illustrated in Figure 4, segment B is transmitted twice as often as segment C and three times as often as segment D.

The Examiner asserts "Regarding claim 14 limitation: "broadcasting one or more earlier ones of said plurality of segments (a broadcast apparatus "paragraph 43 lines 1-2" scramble processing unit for scrambling a predetermined unit of content "paragraph 28 lines 2-3"), that chronologically are intended to precede later segments in said program, more frequently than said later segments ("a predetermined unit of content" is a broader expression of an order to this limitation "paragraph 295 lines 4-5")." (See the Office Action, page 2).

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The Applicant respectfully disagrees that the cited portions of Fukami demonstrate a limitation of the present claims. First, a scrambling key is not a program segment under the meaning of that term in the present claims. Additionally, a scrambling key would apply to the entire encrypted stream and not have a particular chronological position in the program content.

Furthermore, in the paragraphs cited by the Examiner Fukami specifically recites:

"The CC increments one by one from zero to fifteen, and then returns to zero, which is used to determine if any TS packets with the same packet ID are abandoned partway."

The Applicant submits that the portion of Fukami as cited by the Examiner neither teaches nor suggests repeated transmission of segments of a program where earlier segments of the program are transmitted more frequently as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

The Examiner in the Office Action also cites paragraphs 0027-0028 and 0043 of Fukami as demonstrating the step of "broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in program, more frequently than later segments" (See Office Action, page 14). The Applicant respectfully disagrees. It is respectfully asserted that none of the cited paragraphs describes more frequent broadcast of chronologically earlier segments, or the repeated broadcast of program segments as taught in the Applicant's Specification and claimed by at least the Applicant's amended independent claims. The Applicant submits that, instead, Fukami merely explains that the "reception unit sequentially receives a transport stream (TS) packet..." (Fukami, 0020 and also 0027, emphasis added).

Thus, the Applicant submits that Fukami fails to disclose at least the step of "receiving at a VoD player a plurality of program segments, each corresponding to a fractional part of an entire program, wherein program segments representing earlier portions of the program are transmitted to the VoD player more frequently than program segments representing later portions of the program," as taught in the Applicant's Specification and as claimed in the Applicant's amended claim 1. The Applicant further submits that Fukami also fails to teach or disclose the step of "broadcasting one or more earlier ones of said plurality of segments, that chronologically are intended to precede later segments in said program, more frequently than said later segments," as claimed in claim 14.

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As such and for at least the reasons recited above, the Applicant submits that Fukami absolutely fails to teach each and every aspect of the Applicant's claims arranged as in the Applicant's claims as required for anticipation.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims are not rendered anticipated by the teachings of Fukami. Therefore, the Applicant submits that the Applicant's claims fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

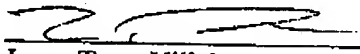
Conclusion

Thus and for at least the reasons recited above, the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102. The Applicant further submits that all of the claims, presently in the application, comply with the provisions of 35 U.S.C. § 101. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

Please charge the \$130 fee for the Petition for a One Month Extension, and any other fees that may be due, to Deposit Account No. 07-0832.

Respectfully submitted,
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CUSTOMER NO.: 24498**MAIL STOP: AMENDMENT**

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in duplicate; and
RESPONSE TO OFFICE ACTION (10 pages).

Serial No.: 10/527,956

Examiner: Daniel T. Tekle

Art Unit: 2621

Docket No.: PU020426

TOTAL NUMBER OF PAGES INCLUDING THIS SHEET: 13

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